JK 570
.A4
1918
Copy 1

U. S. Peace Commissioners

Class JK 570

Book .A4

1918

65TH CONGRESS
3d Session

SENATE

DOCUMENT
No. 311

UNITED STATES PEACE COMMISSIONERS

STATEMENT

SHOWING

ALL COMMISSIONERS APPOINTED BY THE PRESIDENT TO NEGOTIATE TERMS OF PEACE UPON THE CONCLUSION OF THE VARIOUS WARS IN WHICH THE UNITED STATES HAS BEEN ENGAGED

PRESENTED BY MR. LODGE

DECEMBER 6, 1918.—Ordered to be printed

WASHINGTON
GOVERNMENT PRINTING OFFICE
1918

★

JK570
.A4
1918

D. of D.
FEB 21 1919

UNITED STATES PEACE COMMISSIONERS, 1795–1898.

[The commissioners, John Adams, Benjamin Franklin, John Jay, and Henry Laurens, to negotiate peace with Great Britain at the conclusion of the Revolutionary War, were appointed by the Continental Congress by a resolution passed Sept. 17, 1782.]

1795. ALGIERS.

David Humphreys, resident minister at Lisbon.

"Commissioner plenipotentiary by letters-patent under the signature and seal of the United States of America dated the 30th March, 1795."

(Commission does not appear in the Senate Executive Journal.)

1800. FRANCE.

Oliver Ellsworth, Chief Justice.

Patrick Henry, late governor of Virginia.

W. V. Murray, minister at The Hague.

"Envoys extraordinary and ministers plenipotentiary to the French Republic, with full powers to discuss and settle, by a treaty, all controversies between the United States and France."

Nominated February 25, 1799; confirmed by the Senate, February 27, 1799.

Patrick Henry did not serve: William R. Davie, governor of North Carolina, was appointed June 1, 1799, vice Patrick Henry; confirmed December 6, 1799.

1805. TRIPOLI.

Tobias Lear, consul general at Algiers.

Nominated "A commissioner to treat of peace with the Bashaw of Tripoli, vice James Leander Cathcart, appointed to another place."

Nominated November 11, 1803; confirmed by Senate, November 15, 1803.

1813–14. GREAT BRITAIN.

Albert Gallatin, Secretary of the Treasury.

John Quincy Adams, minister to Russia.

James A. Bayard, ex-Senator.

Henry Clay, Member of the House.

Jonathan Russell, minister to Norway and Sweden.

"Envoys extraordinary and ministers plenipotentiary."

The first three were nominated May 29, 1813. Gallatin's nomination rejected; Adams and Bayard confirmed July 19, 1813.

The first negotiations having fallen through, new appointments were required. Adams, Bayard, Clay, and Russell renominated January 14, 1814, confirmed January 18, 1814; Gallatin renominated February 8, 1814, confirmed February 9, 1814.

1816. ALGIERS.

William Shaler, consul general at Algiers.

Isaac Chauncey, commander in chief of the naval forces of the United States stationed in the Mediterranean.

"Appointed commissioners, by letters-patent under the signature of the President and seal of the United States of America, bearing date at the city of Washington the 24th day of August, A. D. 1816, for negotiating and concluding the renewal of a treaty of peace between the United States of America and the Day and subjects of the Regency of Algiers."

(Commission does not appear in the Senate Executive Journal.)

1846. MEXICO.

N. P. Trist, chief clerk of the Department of State.

Appointed by President Polk.

(Commission does not appear in the Senate Executive Journal.)

1898. SPAIN.

"At an early date after the signing of this protocol, the President appointed five American peace commissioners, his selections being heartily approved by the Nation. They were William R. Day, Secretary of State; William P. Frye, Senator from Maine and president pro tempore of the Senate; Cushman K. Davis, Senator from Minnesota and chairman of the Committee on Foreign Relations; George Gray, Senator from Delaware and the foremost member of the Democratic minority in that body; and Whitelaw Reid, editor of the New York Tribune and formerly minister to France and special ambassador to Great Britain. The secretary was John Bassett Moore, Assistant Secretary of State."

The commissions were issued the 13th of September, 1898. Day was appointed "commissioner plenipotentiary of the United States." The other commissions read in a similar manner.

The nominations were not submitted to the Senate:

The commission to Mr. Day was as follows:

Know Ye! That, reposing special trust and confidence in the integrity and ability of William R. Day, of Ohio, I do appoint him a commissioner plenipotentiary of the United States, under the protocol signed at Washington of the 12th day of August, 1898, to negotiate and conclude a treaty of peace between the United States and Spain, and do authorize and empower him to execute and fulfill the duties of this commission, with all the powers, privileges, and emoluments thereunto of right appertaining, during the pleasure of the President of the United States.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand at the city of Washington the 13th day of September in the year of Our Lord one thousand eight hundred and ninety-eight, and the 123d year of the Independence of the United States of America.

(Signed) WILLIAM MCKINLEY.

The commissions of the other American plenipotentiaries were in the same form, their names being as follows: Cushman K. Davis, of Minnesota; William P. Frye, of Maine; George Gray, of Delaware; and Whitelaw Reid, of New York.

PROCEEDINGS IN THE SENATE UPON THE NOMINATION OF PEACE COMMISSIONERS.

EXTRACTS FROM SENATE EXECUTIVE JOURNAL, THIRTY-FIFTH SESSION, 1813.

MONDAY, MAY 31, 1813.

The four following written messages were received from the President of the United States by Mr. Graham:

To the Senate of the United States:

Commissions having been granted during the recess of the Senate, to the following persons, I now nominate them to the same offices respectively annexed to their names.

Albert Gallatin, John Quincy Adams, and James A. Bayard to be jointly and severally Envoys Extraordinary and Ministers Plenipotentiary, to negotiate and sign a treaty of peace with Great Britain, under the mediation of the Emperor of Russia; to negotiate and sign a treaty of commerce with Great Britain; and the said John Quincy Adams, Albert Gallatin, and James A. Bayard, to be jointly and severally Envoys Extraordinary and Ministers Plenipotentiary, to negotiate and sign a treaty of commerce with Russia.

TUESDAY, JUNE 1, 1813.

The Senate took into consideration the message of the President of the United States, of yesterday, nominating Albert Gallatin, and others, to offices; and

Resolved, That they do advise and consent to the appointments of Mordecai Noah, Charles Harris, William J. McIntosh, and Nathaniel Pope, agreeably to their nominations respectively.

WEDNESDAY, JUNE 2, 1813.

Mr. King submitted the following motions for consideration which were read:

2d. *Resolved*, That the President of the United States be requested to cause to be laid before the Senate, copies of the commissions granted to Albert Gallatin, John Quincy Adams, and James A. Bayard, to negotiate treaties of peace and commerce with Great Britain, and a treaty of commerce with Russia.

3d. *Resolved*, That the President of the United States be requested to inform the Senate, whether Albert Gallatin, commissioned as one of the Envoys to treat of peace and commerce with Great Britain, and of commerce with Russia, retains the office of Secretary of the Department of the Treasury; and in case of his so retaining the same,

to inform the Senate, under what authority, and by whom, the powers and duties of the head of the Treasury Department are discharged, during the absence of Albert Gallatin from the United States.

MONDAY, JUNE 7, 1813.

The following written message was received from the President of the United States, by Mr. Graham:

To the Senate of the United States:

In compliance with their resolution of the 3d instant, the Senate are informed, that the office of the Secretary of the Treasury is not vacated, and that, in the absence of Albert Gallatin, commissioned as one of the Envoys to treat with Great Britain and Russia, the duties of that office are discharged by William Jones, Secretary of the Navy, authorized therefor, according to the provisions of the act of Congress, entitled "An act making alterations in the Treasury and War Department," passed May 8, 1792.

JAMES MADISON.

MONDAY, JUNE 14, 1813.

Mr. Anderson, from the committee appointed the 10th instant, on the nomination of Albert Gallatin, reported:

"That in obedience to the resolution authorizing the committee to inquire and report thereon, he had addressed a letter to the President of the United States, enclosing a copy of the resolution under which the committee were appointed; that he afterwards called on the President of the United States, who informed him that he did not consider the authority given to the committee, by the resolution, such as to authorize them to *call* on *him*, in their official *character;* but, that if they were especially instructed to call upon him, he would freely receive them, and appoint a time for that purpose."

Mr. Anderson submitted the following resolutions for consideration, which were read:

Resolved, That in the opinion of the Senate, the powers and duties of the Secretary of the Department of the Treasury, and of those of an Envoy Extraordinary to a foreign power, are so incompatible, that they ought not to be, and remain united, in the same person.

Resolved, That the committee to whom was referred the nomination of Albert Gallatin (Secretary of the Department of the Treasury) as an Envoy Extraordinary to treat of peace and commerce with Great Britain, and of commerce with Russia, be instructed to communicate the foregoing resolution to the President of the United States, and respectfully to confer with him upon the matter thereof.

WEDNESDAY, JUNE 16, 1813.

The Senate resumed the consideration of the resolutions submitted by Mr. Anderson, on the 14th instant; and,

On the question to agree to the first resolution;

It was determined in the affirmative—yeas, 20; nays, 14.

So it was

Resolved, That, in the opinion of the Senate, the powers and duties of the Secretary of the Department of the Treasury, and those of an

Envoy Extraordinary to a foreign power, are so incompatible that they ought not to be, and remain united, in the same person.

On the question to agree to the second resolution,

It was determined in the affirmative—yeas, 20; nays, 14.

So it was

Resolved, That the committee to whom was referred the nomination of Albert Gallatin, Secretary of the Department of the Treasury, as an Envoy Extraordinary, to treat of peace and commerce with Great Britain and of commerce with Russia, be instructed to communicate the foregoing resolution to the President of the United States, and respectfully to confer with him upon the matter thereof.

MONDAY, JULY 19, 1813.

Mr. Anderson, from the committee appointed the 10th instant, on the nomination of Albert Gallatin, reported:

"That in obedience to the resolution authorizing the committee to inquire and report thereon, he had addressed a letter to the President of the United States, a copy of which accompanies this report, enclosing a copy of the resolution under which the committee were appointed; that he afterwards called on the President of the United States, who informed him that he did not consider the authority given to the committee by the resolution such as to authorize them to call on him in their official character; but that, if they were especially instructed to call upon him, and the specific object should be designated, he would freely receive them, and appoint a time for that purpose."

Mr. Anderson then made this further report, to wit:

"The committee to whom was referred the nomination of Albert Gallatin to be one of the Envoys Extraordinary and Ministers Plenipotentiary, to negotiate and sign a treaty of peace with Great Britain, under the mediation of the Emperor of Russia, to negotiate and sign a treaty of commerce with Great Britain, and to negotiate and sign a treaty of commerce with Russia, together with the message of the President of the United States of the 7th June,

"Report: That, according to the instructions of the Senate, of the 16th June, the committee, through its chairman, addressed a note to the President of the United States, on the 12th instant, which accompanies this report—and in reply thereto the President addressed a note to the chairman on the 14th instant, which note also accompanies this report, appointing Friday, the 16th instant, to receive the committee, to communicate the aforesaid resolution of the Senate, and appraizing the committee of his late message to the Senate, containing the grounds on which he would be obliged to decline the proposed conference with the committee. Upon due consideration of this reply, the committee deemed it an incumbent duty to wait on the President, according to his appointment, and to present to him both the resolutions of the Senate, in relation to the nomination referred to the committee; and did, accordingly, wait on him, and present them: When the President was pleased to observe to the committee, in substance, that he was sorry that the Senate had not taken the same view of the subject which he had done; and that he regretted that the measure had been taken under circumstances which deprived him

of the aid or advice of the Senate. After the committee had remained a reasonable time, for the President to make any other observations, if he thought proper to do so; and observing no disposition manifested by him to enter into further remarks, the committee retired, without making any observations on the matter of the resolutions, or in reply to those made by the President."

Whereupon,

The nominations of Albert Gallatin, John Q. Adams, and James A. Bayard, agreeably to the message of the President of the United States, of the 31st of May last, were resumed.

On the question, "Will the Senate advise and consent to the appointment of Albert Gallatin?"

It was determined in the negative—yeas 17, nays 18.

On the question, "Will the Senate advise and consent to the appointment of James A. Bayard?"

It was determined in the affirmative—yeas 27, nays 6.

So it was

Resolved, That the Senate do advise and consent to the appointments of John Q. Adams and James A. Bayard, agreeably to their nominations, respectively; and

That they do not advise and consent to the appointment of Albert Gallatin.

Ordered, That the Secretary lay the foregoing resolution before the President of the United States.

THURSDAY, JANUARY 14, 1814.

The two following written messages were received from the President of the United States, by Mr. Coles, his secretary:

To the Senate of the United States:

I nominate John Quincy Adams, James A. Bayard, Henry Clay, and Jonathan Russell, to be, jointly and severally, Ministers Plenipotentiary and Extraordinary, to negotiate and sign a treaty of peace and a treaty of commerce with Great Britain.

I nominate Jonathan Russell, to be Minister Plenipotentiary to Sweden.

JAMES MADISON.

TUESDAY, JANUARY 18, 1814.

The Senate resumed the consideration of the message of the President of the United States, of the 14th instant, nominating John Quincy Adams and others, to offices; and,

On motion by Mr. King, to postpone the further consideration thereof to Monday next,

It was determined in the negative—yeas 12, nays 20.

On the question, "Will the Senate advise and consent to the appointment of John Quincy Adams?"

It was determined in the affirmative—yeas 31, nays 2.

On the question, "Will the Senate advise and consent to the appointment of James A. Bayard?"

It was unanimously determined in the affirmative—yeas, 32.

On the question, "Will the Senate advise and consent to the appointment of Henry Clay?"

It was determined in the affirmative—yeas, 29; nays, 2.

On the question, "Will the Senate advise and consent to the appointment of Jonathan Russell?"

It was determined in the affirmative—yeas, 22; nays, 8.

So it was

Resolved, That the Senate do advise and consent to the appointments of John Quincy Adams, James A. Bayard, Henry Clay, and Jonathan Russell, to be jointly and severally Ministers Plenipotentiary and Extraordinary to negotiate and sign a treaty of peace and a treaty of commerce with Great Britain.

TUESDAY, FEBRUARY 8, 1814.

The two following written messages were received from the President of the United States, by Mr. Coles, his secretary:

To the Senate of the United States:

In consideration of the protracted absence of Albert Gallatin, Secretary of the Treasury, and the prospect of conveniently associating his services in the contemplated negotiations for a treaty of peace and a treaty of commerce with Great Britain, I nominate George W. Campbell, of Tennessee, to be Secretary of the Treasury of the United States.

Albert Gallatin to be Minister Plenipotentiary and Extraordinary, jointly and severally, with John Quincy Adams, James A. Bayard, Henry Clay, and Jonathan Russell, to negotiate and sign a treaty of peace and a treaty of commerce with Great Britain; Richard Rush, now Comptroller of the Treasury, to be Attorney General of the United States, in place of William Pinckney, resigned.

JAMES MADISON.

WEDNESDAY, FEBRUARY 9, 1814.

On the question, "Will the Senate advise and consent to the appointment of Albert Gallatin?"

It was determined in the affirmative.

So it was

Resolved, That the Senate do advise and consent to the appointments of George W. Campbell and Albert Gallatin, agreeably to the nominations, respectively.

THE SECRETARY OF STATE TO THE AMERICAN COMMISSIONERS.

DEPARTMENT OF STATE.
August 5, 1813.

GENTLEMEN: I am very sorry to be under the necessity of communicating to you an event of which there was no anticipation when you left the United States.

The event to which I allude is the rejection by the Senate of the nomination of Mr. Gallatin on the idea that his mission to Russia was incompatible with the office of the Secretary of the Treasury.

After the appointment of Mr. Jay, when Chief Justice of the United States, by President Washington, and of Mr. Ellsworth,

when holding the same office, by President Adams, by which a member of a separate branch of the Government was brought into an office under the Executive, and after the sanction given in practice as well as by law to the appointment of persons during the absence of a head of a department to perform its duties, it was presumed that there would not be any serious or substantial objection to the employment in a similar service of a member of the Administration itself.

Although this nomination was opposed in the Senate as soon as it was acted on, yet it was not believed that it would be rejected until the vote was taken. At an early stage the President was called on by a resolution of the Senate to state whether Mr. Gallatin retained the office of Secretary of the Treasury, and, in case he did, who performed the duties of that department in his absence. The President replied that the office of Secretary was not vacated by Mr. Gallatin's appointment to Russia, and that the Secretary of the Navy performed its duties in his, Mr. Gallatin's absence. After this reply, which was given in conformity with the President's own views of the subject, and with those of Mr. Gallatin when he left the United States, it was impossible for the President, without departing from his ideas of propriety in both respects, to have removed Mr. Gallatin from the Treasury to secure the confirmation of his nomination to Russia. It would have been still more improper to have taken that step after the rejection of the nomination. The President resolved, therefore, to leave the mission on the footing on which it was placed by the vote of the Senate, by which the nomination of Mr. Adams and Mr. Bayard was confirmed. Whatever has been done jointly under the Commission, given to the three Commissioners by the President when you left the United States, in compliance with your instructions, will not be affected by this event. [From "A Great Peacemaker. The Diary of James Gallatin, Secretary to Albert Gallatin, 1813–1827. New York, Charles Scribner's Sons. 1914. Pp. 10–12.]

○

LIBRARY OF CONGRESS
0 012 183 555 1